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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



**Office Action Summary**

Application No.

09/768,458

Applicant(s)

KRAFT ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_



*DETAILED ACTION*

*Continued Examination*

Prosecution on the merits of this application is reopened for claims 1-13 and 15-33 after the Board of Patent Appeals and Interference decision of November 1, 2006. The above claims are considered unpatentable for the reasons indicated below:

Prosecution has been reopened based on a new grounds of rejection in view of newly discovered prior art reference #6,732,080 to Blants, Blants more clearly and closely anticipate applicant's claim limitations and business method procedures as claimed. An explanation of the rejection of applicant's invention as being unpatentable over Blants appears below.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-10, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,732,080 to Blants. Blants discloses a system for enhancing sales for service providers by utilizing an opportunistic approach based on an unexpected change in a schedule of service, the system comprising:

an event retriever (27), the event retriever generating an event pair which comprises a target value (scheduled position) and an actual value (actual/current position) associated with the



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schedule of services; an event observer (28), the event observer receiving the event pairs from the event retriever, calculating the difference between the actual and target value, and based on one or more rules (distance, speed, location time) from a first set of rules, identifying and notifying (via network 16) a window of opportunity detector (20) regarding potential windows of opportunities, wherein each potential window of opportunity defines a time period of customer inactivity; the window of opportunity detector, which receives the potential windows opportunities, detects, based on one or more rules (profile(s)) from a set of second rules (profile(s)), if a window of opportunity exists, and if so, matches the detected windows of opportunities with service providers (25, 27, 30) for the purposes of providing a new product or a service separate from the scheduled service [col. 13, lines 47-59].

As to claim 2, wherein the event retriever further utilizes service provider schema information stored in a service provider schema database to generate the event pairs [col. 9, lines 29-33].

As to claim 5, the one or more rules from the set of first rules is a threshold rule, and the potential windows of opportunities are identified based on comparing the difference between the actual and target value against the threshold [col. 3, lines 14-20].

As to claim 6, the one or more rules from the set of second rules are provided externally by the service providers [col. 10, lines 31-44].

As to claim 7, the system further accesses a subscription management service wherein the events and schedules are defined for tracking [col. 8, lines 1-9].

As to claim 8, the one more rules of the set of first and one or more rules of a set of second rules are stored in a rule database [within servers 20, 28, 26].



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As to claim 9, the events are Internet Calendaring and Scheduling Core Object Specification (iCalendar) events [col. 8, lines 1-9].

As to claim 10, wherein the event retriever further comprises: an enhanced gatherer (software), which dynamically receives (input) information from service providers (27) over a network (16) using simulated user interaction (user mobile terminal 12), and a pattern matcher, which extracts the event pair from the received information based on matching the structure of the received information with that of a stored schema of the service providers [col. 11, lines 25-38].

As to claim 12, the network comprises any of the following: local area networks (LANs), wide area networks (WANs), wireless networks, or the Internet [col. 8, lines 9-22].

As to claim 13, the received event pairs are extracted from a markup language form [col. 8, lines 16-22].



Claims 15-17, 19 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Blants. Blants discloses a method for enhancing sales for service providers by utilizing an opportunistic approach based on an unexpected change in a schedule of service, wherein the step of detecting a window of opportunity comprises;

electronically acquiring service schedules of one or more service providers (27); (server 20) detecting an unexpected change in the schedule; (server 20) checking if potential customers are blocked due to the unexpected change in schedule, the blocking defining a period of inactivity; detecting one or more potential windows of opportunities for sales to the potential customers (mobile terminal user); checking if service providers benefit from the detected potential windows of opportunities, and providing notification (via network 16) regarding the potential windows of opportunities to service providers who benefit from such information, and wherein the service providers offer a new product or service separate from the scheduled service to the potential customer during the period of inactivity [col. 13, lines 47-59].

As to claim 16, wherein the step of detecting an unexpected change in the schedule further comprises: simulating user interaction via data gathering software to request data from service providers (27) via a network (16); receiving information from the service providers via the network; accessing a service provider schema database (28) and reading schema regarding the service providers; matching the received information with the read schema associated with the service providers, and extracting data events, comprising actual and target data, based on the matching step [col. 11. lines 25-38].

As to claim 17, the network comprises any of the following: local area networks (LANs), wide area networks (WANs), wireless networks, or the Internet [col. 8, lines 9-22].



As to claim 19, wherein the extracted data events are iCalendar events [col. 8, lines 1-9].

Claims 20-27 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Blants. Blants discloses a method for enhancing sales for service providers by utilizing an opportunistic approach based on an unexpected change in a schedule of travel services, wherein the method comprising:

extracting standardized event data comprising an actual event (actual position) value and a target value (scheduled position) from the travel service provider (27) via a network (16); comparing, based on one or more rules from a set of first rules (speed, distance, current position, location, time, etc.), the difference of the actual value and target value against a threshold value (col. 3, lines 18-20); detecting (via server 20) a window of opportunity based on one or more rules (profile(s)) from a set of second rules (profile(s)), and distributing the window of opportunity information to the service providers (25, 27, 30) for enhancing the service provider's sales, if the detection of window of opportunity occurs the sales providers providing a new product or a new service separate from the scheduled service [col. 13, lines 47-59].

As to claim 21, wherein the travel services comprise any of: airlines, trains, or buses [col. 9, lines 24-25].

As to claim 22, wherein the event data is arrival or departure times and locations associated with the specific airline [col. 14, lines 52-66].

As to claim 23, wherein the one or more rules from the set of first rules is based on the difference of actual and target values being above or below a predetermined threshold [col. 3, lines 14-20].



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As to claim 24, wherein the one or more rules from the set of second rules is based on rules provided by service providers [col. 10, lines 31-44].

As to claim 25, wherein the rules provided by service providers are stored in a rules database [col. 10, lines 31-35].

As to claim 26, Blants discloses the step of extracting standardized event data further comprises: accessing the travel service provider's webpage over a network (16); posting data regarding a specific travel provider in the webpage and querying for information regarding schedule of the specific travel service (col. 9, lines 9-25); receiving a web document from the travel service provider regarding the schedule of the specific travel provider (col. 9, lines 26-43); accessing a service provider schema database and reading a schema associated with the travel service provider; matching the received web document with the read schema and extracting event data, and standardizing the extracted event data [col. 11, lines 25-38].

As to claim 27, wherein the network comprises any of the following: local area networks (LANs), wide area networks (WANs), wireless networks, or the Internet [col. 8, lines 9-22].

As to claim 32, wherein the step of standardizing involves standardizing based on iCalendar standard [col. 8, lines 1-9].



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 18 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blants. Blants does not specifically disclose that the service provider schema or the web document is that of data schema is document type definition (DTD) or extensible markup language (XML). It is well known within the art that the wide spread growth of the Internet has yielded a need to create data expansion driven software designed to present increased user-friendly interfaces (i.e. DTD, XML, WML).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include XML or DTD schema within the personal calendar services system media distribution system of Blants to provide a personal calendar system including software offering trouble-free business- to- business practicality.

As to claim 11 and 18, Blants discloses that the personal calendar services system uses a intermediate provider (person) or service provider servers for gathering data from a user of the system, Blants does not disclose that the software is a web crawler or data mining software as claimed. However, it is obvious to one having ordinary skill in the art that the operation to retrieve, interpret and execute data obtained from the computer platforms of personal calendar service systems, achieve the same end result as applicant's web crawler and, since no new or



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unexpected result is achieved, the calendar services system disclosed by Blants operates equally as well.

### ***Response to Applicant's Arguments***

Prosecution on the merits of this application is reopened for claims 1-13 and 15-33 after the Board of Patent Appeals and Interference decision of November 1, 2006. The above claims are considered unpatentable for the reasons indicated below:

Prosecution has been reopened based on a new grounds of rejection in view of newly discovered prior art reference #6,732,080 to Blants, Blants more clearly and closely anticipate applicant's claim limitations and business method procedures as claimed. Accordingly, claims 1-13 and 15-33 are found to be unpatentable over Blants.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stiles et al discloses a method and system for providing information to a consumer based on a consumer's profile and changes to the information is based upon unexpected problems which are communicated to the consumer to avoid potential problems or delay of a reservation of a services provided by one or more providers/merchants. Stiles et al may be relied upon in combination with Blants to render applicant's claim limitations obvious over the prior art.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.

The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

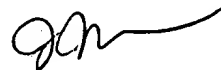
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

André L. Jackson  
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APPROVED BY  
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